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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,087	03/12/2004	Steve G. Bjorg	MS304865.01/MSFTP2198US	8511
27195 7590 01/15/2009 AMIN, TUROCY & CALVIN, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER CHANG, JUNGWON	
			ART UNIT 2454	PAPER NUMBER
			NOTIFICATION DATE 01/15/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/799,087	<b>Applicant(s)</b> BJORG, STEVE G.	
	<b>Examiner</b> JUNGWON CHANG	<b>Art Unit</b> 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to RCE filed on 10/29/08. Claims 1-15 are presented for examination.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/08 has been entered.
3. The objection to Specification is withdrawn in view of amendment.
4. The rejection under 35 U.S.C. 112, 2<sup>nd</sup> paragraph is withdrawn in view of amendment.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-15 are rejected under 35 U.S.C. 103(a) 35 U.S.C. 103(a) as being unpatentable over Traversat et al, (US 2002/0184310), hereinafter Traversat, in view of O'Mahony (US 2005/0025144).

7. As to claim 1, Traversat discloses the invention as claimed, including a decentralized computing environment (page 5, 0078, "decentralized environment"), comprising:

a number of nodes (fig. 1B), each node in the number of nodes being capable of being a neighboring node of other nodes in the number of nodes (fig. 33), each node being capable of querying the availability of neighboring nodes for a match (page 4, 0076, "peers may obtain information from neighboring peers"; page 5, 0077, "peer-to-peer platform may enable peers to find content that is closest to them"), the match being formed when a first node queries the availability of a second node and the second node queries the availability of the first node (fig. 14; page 25, 0327; page 27, 0359, "enable each peer to send and receive generic queries to find or search for peer, peer group or service specific information"), a state of both nodes being set to true in case of a match (page 4, 0076; page 10, 0126).

8. Although Traversat discloses clearing data (page 21, 0270, "all the way down to at zero when all peers...have already been discovered), Traversat does not specifically disclose clearing the content of node's neighbors array or alternative data structure. O'Mahony discloses clearing the content of node's neighbors array or alternative data

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structure (page 3, 0039, "clear...only if...match"; page 4, 0052). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Traversat and O'Mahony because O'Mahony's teaching would allow the system to aware if data of the node matches data of the neighbor node, as taught by O'Mahony (fig. 3; page 4, 0042, 0051).

9. As to claim 2, Traversat discloses the decentralized computing environment of claim 1, wherein another match is formed when the first node queries the availability of the second node and the second node responds with a yes message (figs. 15-17, "discovery response message...").

10. As to claim 3, Traversat discloses the decentralized computing environment of claim 1, wherein no match is formed when the first node queries the availability of the second node and the second node responds with a no message (page 22, 0281, "replies with may respond with a message failed message").

11. As to claim 4, Traversat discloses the decentralized computing environment of claim 1, further comprising an inviter that invites the number of nodes to communicate to find a match (page 23, 0304, "discovery through invitation"; page 27, 0355-0356, "invitation").

12. As to claim 5, Traversat discloses the decentralized computing environment of

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claim 1, further comprising a new node being dynamically introduced to the decentralized computing environment, the new node being capable of querying the availability of neighboring nodes for a match (page 23, 0304, “discovery through invitation”; page 27, 0355-0356, “invitation”).

13. As to claim 6, it is rejected for the same reasons set forth in claim 1 above. In addition, Traversat discloses the invention substantially as claimed, including a computer-implemented protocol for matching communicable nodes in a dynamic, decentralized computing environment, the protocol comprising:

inviting the number of nodes to communicate to find a match (page 23, 0304, “discovery through invitation”; page 27, 0355-0356, “invitation”).

discovering matching availability of nodes by sending availability messages (page 4, 0076, “peers may obtain information from neighboring peers”; page 5, 0077, “peer-to-peer platform may enable peers to find content that is closest to them”);

forming a match where upon sending another availability message from a first node to a second node, the second node sends a message selected from a group consisting of an availability message and a yes message (fig. 14; page 25, 0327; page 27, 0359, “enable each peer to send and receive generic queries to find or search for peer, peer group or service specific information”; figs. 15-17, “discovery response message...”).

14. As to claims 7, it is rejected for the same reasons set forth in claim 6 above.

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15. As to claims 8 and 9, Traversat discloses receiving by the second node the availability message sent from the first node, the second node answering with a no message to the first node if the second node has already been matched to another node, otherwise, a taken state of the second node is set to true signifying that the second node being matched to the first node (page 22, 0281, “replies with may respond with a message failed message”).

16. As to claim 10, Traversat discloses further comprising setting a taken state of the first node to true signifying that the first node is matched to the second node (figs. 15-17, “discovery response message...”).

17. As to claim 11, it is rejected for the same reasons set forth in claim 6 above. In addition, Traversat discloses a computer-readable medium having computer-executable instructions for performing a method for matching communicable nodes in a dynamic (page 39, 0500).

18. As to claim 12, it is rejected for the same reasons set forth in claim 7 above.

19. As to claims 13 and 14, they are rejected for the same reasons set forth in claims 8-9 above.

20. As to claim 15, it is rejected for the same reasons set forth in claim 10 above.

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21. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

22. Applicant's arguments filed 10/29/08 have been fully considered but they are not persuasive:

(1) Applicant's argues that the data structure cleared upon successful matching in O'Mahony is very different from the one cleared in application. In application, what is cleared upon matching a node is a data structure holding information *relating to the node's set of neighbors*. In O'Mahony, what is cleared upon matching is a data structure holding information *relating to availability of the node itself*. As it is something different that is claimed, neither Becker nor O'Mahony, either alone or in combination, teach or suggest all limitations of claim 1.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., cleared upon matching a node is a **data structure holding information relating to the node's set of neighbors**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:



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Pessach, US 2005/0080858, Celle, US 2004/0024877, Park et al, US 6,628,643, Kuno et al, US 7,117,201, Xu et al, US 7,039,634 disclose system and method for searching a peer-to-peer network.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 6:30-2:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JUNGWON CHANG/  
Primary Examiner, Art Unit 2454  
January 5, 2009